

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KENDALL OLIN-MARQUEZ,

Plaintiff,

v.

**ARROW SENIOR LIVING
MANAGEMENT, LLC,**

Defendant.

**Civil Action 2:21-cv-996
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

ORDER

Defendant intends to make a voluntary payment directly to members of the putative class within the next 30-90 days and agrees to inform Plaintiff's counsel before making any such payments. Plaintiff may move for emergency injunctive relief to enjoin Defendant from making these payments to avoid confusion.

Defendant's Motion for Leave to File Third Amended Collective and Class Action Complaint is **GRANTED**. (ECF No. 44.) Accordingly, the Clerk is **DIRECTED** to file Plaintiff's Third Amended Complaint (ECF No. 44-1).

Plaintiff's Motion for Conditional Class Certification (ECF No. 33) is **DENIED WITHOUT PREJUDICE** to re-filing. Defense counsel represented that it will extend the exiting tolling agreement to address statute-of-limitations concerns.

Defendant's Motion to Dismiss for Lack of Jurisdiction and its Motion to Stay Briefing are **DENIED WITHOUT PREJUDICE** to re-filing to challenge Plaintiff's Third Amended

Complaint. (ECF No. 35 and 36.) Defendant's Answer or other responsive pleading to Plaintiff's Third Amended Complaint is due **ON OR BEFORE OCTOBER 19, 2021**.

Finally, the parties are **ORDERED** to confer and submit a renewed Rule 26(f) Report, if appropriate **within fourteen days** of the Court's resolution of Defendant's forthcoming Motion to Dismiss or forthcoming Plaintiff's Motion for Conditional Class Certification, whichever is later.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE